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ABSTRACT

This report presents results of a research project designed to increase understanding of civil rights crime through a systematic description of the characteristics of incidents that occurred in Boston (Massachusetts) between 1983 and 1987. Data were taken from police incident reports and are limited to only those cases that were reported to the Boston Police Department. Section 1, "Introduction and Study Design," covers the following topics: (1) "Background"; (2) "Data Description"; and (3) "Data Limitations." Section 2, "Characteristics of Incidents," covers the following topics: (1) "Race of Victim"; (2) "Race of Offender"; (3) "Victim Offender Racial Combinations"; (4) "Seriousness of the Incident"; and (5) "Rationale for Racial Attacks." Section 3, "Identification, Investigation and Apprehension of Suspects," covers the following topics: (1) "Identification of Incidents"; (2) "Victim Participation"; and (3) "Suspect Apprehension." Section 4, "Case Handling and Resolution by the Courts," covers the following topics: (1) "Use of Civil Injunctions"; and (2) "Processing of Civil Rights Cases in Boston Courts." Seven end notes, 2 figures, and 11 tables are included. A copy of a Boston Police Department incident report is appended. (JS)

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THE STUDY OF THE CHARACTER OF CIVIL RIGHTS
CRIMES IN MASSACHUSETTS
(1983-1987)

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This project also needed financial support to collect and tabulate the results. I would like to thank Robert Wadsworth and the Boston Foundation for providing this support.

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INTRODUCTION AND STUDY DESIGN

BACKGROUND

This study is the result of a cooperative effort by The Massachusetts Lawyers' Committee to Combat Racial Violence, Northeastern University's College of Criminal Justice, Center for Applied Social Research, and Law Policy and Society Program, and was funded by the Boston Foundation. The impetus for this study was provided by Robert Sherman,--then Director of the Lawyers' Committee Project to combat racial violence--who approached Dean Norman Rosenblatt of Northeastern University's College of Criminal Justice for assistance in conducting the study. The Executive Committee of the Lawyers' Committee believed that The Massachusetts State Civil Rights Statute (MGL Ch.265, Sec. 37) was not being used as often as it could be in the Massachusetts Courts. The Lawyers' Committee decided that a study by an impartial academic source was needed to examine this issue in depth. In late 1986, Dean Rosenblatt of the College of Criminal Justice brought together a consortium of University researchers who drafted a proposal, involving the Center for Applied Social Research, the Law Policy and Society Program, and the Lawyers' Committee. This proposal was submitted to the Boston Foundation and was subsequently approved for support in January of 1987, and the project was begun.

Originally, the study design called for the collection of data from the Massachusetts Courts. However, soon we learned that this would not be possible. Our initial feasibility study of the courts as a primary source of data revealed two significant problems. First, the assumption of the Lawyers' Committee seemed to be correct -- violations of the Massachusetts Civil Rights Statute seemed to be relatively rare in any particular Massachusetts Court. Discussions with court clerks revealed that most courts received less than a dozen cases a year with a violation of the Massachusetts Civil Rights Statute as a charge. A second problem with using the Massachusetts Courts as the primary source of data was the record keeping practices employed throughout the Massachusetts Courts system. In Massachusetts the court case files are not computerized and records are kept in chronological order. This would mean that our data collectors would have had to review all the thousands of cases filed in each year of our study to locate the 10 or 12 civil rights cases. We determined that the costs involved in this process would have been prohibitive.

We as an alternative, decided to look at earlier points in the Criminal Justice System for information on civil rights violations. Local prosecutor's offices we contacted had similar problems with a small number of cases in only one office. Finally we contacted the Boston Police Department (BPD) and

requested access to the private files of the Community Disorders Unit. The Community Disorders Unit (CDU) is a special unit of the BPD that was formed in 1979 (the first unit of its kind formed in the U.S.) to investigate potential civil rights violations. The command staff of the BPD, based on the successful prior association between Northeastern's Center for Applied Social Research (Pierce, Spaar and Briggs 1988) and the BPD, approved our request. The commander of the CDU, Sergeant William Johnston, allowed us access to all the units' records and staff. The CDU maintains a separate set of records on all cases it investigates. These records have proven to be a rich source of information on the character of racial incidents in the city of Boston.

As a matter of departmental policy, copies of the original incident report in all cases of potential civil rights violations and in all inter-racial incidents are forwarded to the CDU on the day following the incident (between 20-40 each week). The commander of the CDU reviews all these incident reports and determines which may be violations of an individual's civil rights. If the commander determines that an incident is potentially a civil rights violation, the case is assigned to a CDU officer for investigation. Once assigned for investigation, s/he begins and maintains a separate file for each case. This process was developed after a number of alternative mechanisms

for identifying civil rights violations were attempted and found insufficient. Previously the Boston Police required responding officers to describe the bias motivation in a narrative section of the incident report and also included a check-off box on the incident report neither of which proved to be totally effective. It is believed by officials of the Boston Police Department that allowing the police officer who responds to the original request to make the determination of whether this event is a bias incident was asking too much of the officer. Moreover, it may result in some cases where incidents of bias violence are overlooked. Consequently, the department instituted this policy of review and investigation of all potentially bias incidents.

The records maintained by the CDU are quite extraordinary in detail, thoroughness, and accuracy. The record keeping policy of the CDU requires that each contact on a case be recorded in a typed memorandum and kept in the file for that particular case. This record keeping policy provided the research staff with unusually high quality information, on each case of racial violence. In addition to the records at CDU, Sergeant Johnston provided any background information we requested, and the staff of the unit answered all questions.

DATA DESCRIPTION

Project resources did not permit us to code all the records maintained at the CDU so we decided on the following sampling strategy: a random sample of 100 cases per year for each year from 1983-1986. In addition, we included all the 1987 cases for which an investigation had been completed by the CDU by the time we finished our data collection (this procedure included approximately all cases through May 1987). This procedure produced a total of 452 cases over the period 1983-1987. In each case we coded information from two primary sources - the original incident report and the subsequent memoranda completed by CDU staff after each contact on a case. These CDU memos are a unique and rich source of information. A memo is written each time a contact of any sort (victim, offender, witness) is made on a case or any time such a contact is attempted. For instance, if an officer goes out to interview a victim on a Monday and no one is home, and then Tuesday s/he calls and sets up a second appointment, and the interview finally takes place on Friday, there will be three memos in the file documenting this phase of the investigation. Each memo tells of the outcome of the contact, including anything learned regarding the case (e.g., the name of a new potential witness or any prior history of problems the victim has had with the offenders). In addition to the substantive information contained in each file, the existence of these memos makes up a paper trail of effort put into each case

by the CDU officers. This type of information is relatively rare in police records and allows for an assessment of how difficult it is to investigate a civil rights violation as opposed to another type of crime. In the few instances where the original incident report differed from the CDU investigation on factual material, we always relied on the CDU records.

In addition to this quantitative data, we interviewed a number of individuals knowledgeable about civil rights violations in the city of Boston in an effort to further understand the numbers we collected. In this effort, we spoke to a number of victims of racial violence, police officers assigned to the CDU and other units within departments, prosecutors as well as local community leaders. These interviews will serve to inform the quantitative analysis by providing interpretive detail to the report's tabulations.

DATA LIMITATIONS

Little systematic research has been done on the topic of civil rights crime. The present research seeks to increase our understanding of civil rights crime through a systematic description of the characteristics of incidents which occurred in Boston between 1983-1987.

As rich as these data are, there remains some substantial limitations to the interpretations we may draw from this set of information. First, and most importantly, the data are limited

to those cases which were reported to the Boston Police Department, which of course is a subset of the racial violence that occurs in the city. Many victims do not report these incidents to the police. (Sparks, Genn and Dodd 1977, Bureau of Justice Statistics 1985) There are many reasons for not reporting these crimes, including the fear of retaliation by offenders or because of cultural stereotypes based on the role of police in other societies. We know that the data which does get reported to the BPD is only the tip of the iceberg of bias violence. What we don't know is, how big is this iceberg? Interviews and data collected for this analysis, indicate that much bias violence occurring in the city goes unreported to the police. For example, our data indicate that many cases of bias violence, particularly those which involve property damage, have extensive histories of violence. The CDU records show that in these cases of bias motivated property crime most had prior history of incidents which were not reported to the police.

We also have indications from interviews with victims and local community leaders that the cases reported to the CDU tend to be the more serious acts of bias crime which have occurred. These interviews indicate that, while overall, many acts of bias violence have not been reported to the police, local community leaders knew of few instances of bias violence resulting in personal injury that had not been reported to the police. This

reveals a second limitation of our data. Not only is it a small sample of the total racial violence, but it is skewed toward the most serious cases. Bearing these limitations in mind when analyzing the data, the study has important findings about the character of racial incidents which are reported to the police.

A final source of bias in our data is that it was collected by police and not a disinterested third party. The fear that the officers may misinterpret the investigation to cover for a fellow officer or because of personal prejudice can never be completely ruled out. This is always a concern when analyzing any government records. However, two characteristics of the Boston Police situation make this less of a concern. First, the CDU officers have volunteered for the unit because of a desire to work on cases of bias crime, leaving them less likely to overlook bias incidents. Secondly, the unit's commander carefully inspects each case under active investigation for thoroughness and accuracy.

CHARACTERISTICS OF INCIDENTS

RACE OF VICTIM

The victims identified in this study belong to virtually all racial/ethnic religious groups represented in the city of Boston. Black, White, Hispanic, Vietnamese, Chinese, Cambodian, Filipino, Indian, Portuguese, Laotian, Jewish and members of the Boston

community who are homosexual have been victims of crimes due primarily to their race/ethnicity or religion or sexual orientation.

Table I about here

Table I indicates the frequency of victimization for each of the groups over the five years of our study. Both Whites and Blacks have about equal numbers of victimizations accounting for a little more than two-thirds of all victims of violence in our study. The third most frequently victimized group in the city over this period were members of the Vietnamese community, followed by members of the Hispanic community. When compared to the population size of the various racial groups in the city of Boston, the Asian community in general, and the Vietnamese community in particular, suffer substantially higher rates of racial violence than other racial or ethnic groups in the city.

RACE OF OFFENDER

In contrast to the information on race of the victim, the offenders in cases of bias violence are almost exclusively White or Black. Unlike the information on race of the victim, there are a large number of cases where the race of the offender is not known (24%). These incidents are primarily incidents of property

damage where no one witnessed the crime and the police were not able to identify the suspect, or cases where the victim declines to cooperate with the police. Of those cases where we do know the race of the victim, in fully 96% of cases the offender is White or Black. Most bias motivated victimizations in the city of Boston are committed by White offenders (63%), while a substantial minority (33%) are committed by Black offenders. Very few (4%) of the bias incidents in our study were committed by individuals of Hispanic or Asian origin.

 Table II about here

VICTIM OFFENDER RACIAL COMBINATIONS

As mentioned above, 96% of the known offenders in our study are either White or Black, and most attacks in our study involve members of these two racial groups attacking each other. As Table II indicates, Black victims are most often attacked by White offenders. Of the 118 Black victims for whom we know the race of the offender, 108 (or 92%) were attacked by White offenders. White victims, on the other hand, are predominately attacked by Black offenders, but at a somewhat lower rate (78%).

The second most frequent group of offenders in cases involving White victims are Whites themselves (15.6% # = 19). While this seems paradoxical, closer examination of these cases

revealed that although they were not interracial, these were in fact bias incidents. When we looked at the reason for the attack given by the offender(s), we found that two involved attacks on homosexuals by White offenders. An additional number of cases involved attacks on Whites by Whites because the victim was dating, or close friends with, a Black or other minority. More will be said about this later in this report, but it is clear that bias motivated violence need not only involve interracial incidents.

It is interesting to note how few incidents in our study involve Hispanic or Asian offenders. Culture conflict theorists might expect this to be a problem area as one racial or ethnic group moves into an area occupied by another. (Shaw & McKay 1969, Bursik & Webb 1982) However, we see little racial violence initiated by either the Hispanic or Asian communities on members of the Black or White community. Again, the fact that these are only incidents reported to police might bias these results, but we have no reason to believe that White or Black victims would be less likely to report acts of racial violence perpetrated by Asians or Hispanics.

Table III about here

SERIOUSNESS OF THE INCIDENT

The most surprising finding in this study was the severity of these incidents of bias crime or civil rights violations. A major research question in this study involved this issue of severity. We sought to learn how often incidents of bias crime were acts of vandalism or destruction of property (i.e., painting a swastika on a synagogue or throwing a rock through a window) and how often these incidents were acts of personal violence (i.e., assaults, robberies). We looked at the description of the incident as recorded by the responding officer before investigation by the CDU as the best indicator of the nature of the incident for which the police were summoned. Table III indicates that, while vandalism to property accounted for about one-quarter of the cases investigated by the CDU, half of the cases involved some form of assault (assault, assault and battery, or assault and battery with a dangerous weapon). When combined with those cases recorded as an armed robbery, a shooting, and a fight, more than 50% of the incidents of bias incidents identified in our study are acts of a very serious, and potentially injury resulting, character.

Table .III indicates that most responding officers did not identify these incidents originally as civil rights violations (10 cases) or racial incidents (9 cases), but instead as more traditional crime. This may reflect a lack of appreciation of the racial character of the incident on the part of the officer,

but we believe that it simply reflects the way police tend to generalize and categorize most incidents. To the responding officer, for example, all fights may be recorded as an assault and battery whether it involves two bar patrons arguing over a sporting event or two individuals arguing over a racial issue. This categorization of events by police officers is important because it speaks to the issues of the prevalence of racial incidents in other departments. Most police departments across the country report extremely low levels of bias motivated violence. (Finn & McNeil 1988) Data from Boston indicate that this may be the result of the way these events are recorded by the responding officer. If this is true, then official statistics which report the numbers of racial incidents represents a substantial undercount of racial violence, even among those incidents reported to the police. For example, if the classification of the incident by the responding officers was used in Boston to identify racial incidents (as it is commonly used to identify incidents in other departments), our sample of 452 racial incidents would be reported as 19 racial incidents and 415 non-racial assaults or vandalism incidents.

Table IV about here

Based on the recent highly publicized cases of bias motivated violence, some commentators have assumed that acts of serious racial violence occur almost exclusively between young males. Racial attacks have been seen by these commentators as an outgrowth of incidents that would have been previously considered as youth gang violence. Our data do not support this argument. Table IV presents the sex and age of the victims of racial violence. Table IV (a) indicates that almost one-third of the primary victims of racial violence were female. This figure is similar to national figures on victimization rates for crimes of violence in general (Bureau of Justice Statistics, 1985), which indicate that about one-third of the crimes of violence are committed against female victims. In terms of the sex of the victim, racial incidents in this study strongly resemble our best national figures for crimes of violence. (Bureau of Justice Statistics, 1985)

Table IV (b) presents data on the age of the primary victims. Twenty percent of the victims were under 18 years of age, with the youngest victim being six years old. In addition, 36% of the sample are 30 years old or older (with 13% of this group over 40 years old). This indicates that about half of the known victims of racial violence in Boston are outside the traditionally defined years of youth criminal or gang behavior.

An additional indicator of the seriousness of the given crime is the number of perpetrators involved in the incident. Again, our data exists only where this information is known to the victim or learned during the investigation, totalling 395 cases. Of these, 64% of the incidents involve more than one offender, with most of these involving four or more offenders. This information, combined with the fact that most of our sample are single victims, indicates that incidents of bias violence reported to the police in Boston are most often a group phenomenon where a group of individuals attack a single victim. This information distinguishes bias motivated violence from other acts of violence. For example, review of The National Crime Survey, data reveals that for crimes of violence in general (and for assaults, in particular), only about 25% of the crimes are committed by more than one offender. (Bureau of Justice Statistics, 1985).

As a society, we fear random unexplained violence more than violence that has a logical explanation. (Debow, McCabe and Kaplan 1979, Conklin, 1975) For example, if it is reported on the evening news that a drug deal "went bad" and one of the participants killed the other, we react with very little fear or even concern. However, a story of random violence such as unexplained shootings or a mass murder (even in a state far from our own), will engender more fear and precautionary reactions

(see for example the recent "wilding" attacks in New York). The reason for this is complex, but one element is that the violence was committed by a stranger with no history of problems involving that particular victim. This makes all of us vulnerable as potential victims. Our analysis indicates that bias incidents have this extremely threatening character. Of all cases in the study, 85% involved offenders whose identity was unknown to the victim. This figure includes cases where no offenders were ever identified (e.g., property incidents) as well as attacks by strangers. If we restrict the analysis to those cases where the victim saw his/her attacker, the percentage of cases involving strangers remains at approximately 80%. Even in those cases where the attacker is known to the victim, the vast majority of those are only identified as neighbors. For comparison purposes, the National Crime Survey reports that nationally 61% of the crimes of violence are committed by strangers. (Bureau of Justice Statistics, 1985)

This feeling of vulnerability is a major reason that bias incidents are so serious. A potential victim cannot rationalize his or her future safety by saying for example "I don't use drugs, so I won't ever be hurt in a situation like that". The mere action of leaving home puts one at risk of being a victim. This threat of victimization hovers over all daily activities both inside and outside an individuals' home and is extremely

difficult to eliminate. Even the arrest of an offender may not relieve this fear. Since the victim never did anything to precipitate the previous incident and never knew why he/she was chosen as a victim, how can he/she feel sure that the same thing won't happen again.

The most direct indicator of the severity of these incidents is the type of injury sustained by the victims. Our data reveals that physical injury, including the need for hospitalization, is common in those incidents of assault, assault and battery, and assault with a dangerous weapon described above. Of the 200 assaultive crimes in our sample where we have data on the injury sustained by the victim, 147 of those assaults (74%) involved some physical injury to the victim. This figure can be compared to the national figures in which 29% of assault victims received physical injury. (Bureau of Justice Statistics, 1985) In addition, we coded whether the injury was serious enough to warrant medical attention. In those 200 assaultive cases, 60 incidents (30% of the total) involved at least one victim who required treatment at a hospital. This treatment in most cases involved outpatient services in a hospital emergency room, but in several cases the victim was admitted to the hospital due to the injuries sustained. Again, these assaults seem to be much more serious in terms of injury to the victim than national estimates. Nationally, approximately 7% of assault victims require some hospitalization. (Bureau of Justice Statistics, 1985)

Table V about here

RATIONALE FOR RACIAL ATTACKS

Finally, in each of our cases we attempted to learn the reason for the racial incident. We used information from two separate sources: the responding officers narrative report of the incident from the original incident report and the memos describing the further investigation conducted by CDU officers. The information from the original incident report is some of the most difficult to interpret due to the possibility that an officer's individual bias may alter his/her report of the circumstances around the incident. We felt, however, that the information on "reason for incident" was too useful to ignore. Therefore, the following observations are made with these caveats in mind. In most cases the "reason" will be what was reported by the victim to the responding officer. In cases where investigation by CDU officers uncovered another "reason", we coded the CDU version. Most often, the assailants said something to the victim about why he/she was being attacked and those statements are most often the only source of a "reason" that the victim knows.

We could not learn a "reason" in all incidents in our sample. Again, cases of property violence where no suspect was ever arrested make up the bulk of these "unknown" cases. As Table V indicates, where we could learn a "reason" for the incident, the most common explanation given was that the victim was passing through a neighborhood where he/she "did not belong". In 100 (or 30%) of the cases with information, the victim's passing through a neighborhood was cited as the reason for the attack. Since most victims were walking in unfamiliar areas this information indicates that racial incidents may not be planned in advance. This also indicates that issues of neighborhood turf still remain, not only in Boston but most likely many other cities as well. It seems from this data and other highly publicized incidents that the freedom to walk or drive from place to place in our cities without fear of injury does not exist for many of our citizens.

The second largest category of "reasons" were incidents where the offenders made some generalized racial comment but did not tell the victim why he/she was being attacked. In these cases, we do not know any more about the cause of the attack other than the fact that it was bias motivated.

The third largest category, accounting for 13% of all the incidents where we have a "reason", was that the victim was moving into a neighborhood. These incidents generally involve

damage to property and not to individuals. In addition, these incidents have the longest prior history of conflict. Where this information was available, we coded whether there was a previous history of conflict which may have led up to this incident. When people moved into a neighborhood where they were the minority, the bias incidents tended to have a long history of similar, if less serious, incidents. In one case, a man's car was burned, he had received a number of hate letters, and had graffiti sprayed on the door to his house during the 6 month period after he and his family had moved into an apartment in a new neighborhood.

The remaining categories present an equally distressing picture of the situations in which bias violence occurs. They involve cases where the victim was driving through an area "he/she should not have been." These incidents tend to involve the stoning of passing cars at various local intersections. Another scenario is where the victim had been working in a neighborhood and had remained there after work to shop or socialize. Another "reason" for attack was that the victim was seen walking with, or was known to date, a member of another ethnic or racial group or the victim was walking home from school. In one case from this latter category, a twelve-year old girl walking to school decided to go a new way so she could stop at a local convenience store. A car pulled up alongside and asked her what she was doing in "their" neighborhood. After some

taunting, four men got out of the car, pushed her down, and kicked her, eventually fracturing a rib - the offenders were four males ages 18, 21, 22, and 24.

A number of troubling implications may be drawn from the data on the "reason " for the attack. First, the lack of public access to certain neighborhoods in our cities is truly a serious problem. If a person of a particular race or ethnicity can't use public pay phones or walk home from a friends house without fear of being attacked, there is a real issue to be considered. In addition, this data is troubling because so many of these incidents could not have been anticipated by the victim. The fact that an individual finds him/herself in an area which is unfamiliar to them, and simply because of where they are they get attacked, poses a constant fear for all members of that race of being victimized.

Overall, the picture these data present is one of very serious incidents. The incidents investigated by Boston's CDU often involve multiple offenders who strike victims of all ages and racial/ethnic backgrounds. These incidents frequently result in physical injury to the victim.

IDENTIFICATION, INVESTIGATION AND APPREHENSION OF SUSPECTS

Analysis of factors which facilitate the identification, investigation, and apprehension of suspects in bias incidents have revealed that these cases are more difficult to solve than many other crimes of violence. The reasons for this increased difficulty include: 1. responding police officers who may not be sensitive to civil rights violations, 2. victims who are unusually reluctant to assist in the process, and 3. as indicated above, frequently, this crime involves strangers as offenders, leaving victims unable to provide much assistance to police in identifying the perpetrator.

IDENTIFICATION OF INCIDENTS

In order for bias incidents to result in apprehension and successful prosecution, the incident must first be identified as a bias motivated incident. This process involves recognition by at least two parties, the victim and the responding police officer. Interviews with victims have indicated that the identification of racial incidents is a difficult and troubling process. First, in some cases, an act of property damage may be interpreted as a simple act of vandalism with no racial or ethnic overtones. For example, a rock thrown through a window is not in itself an act of bias motivated violence. In those cases in our study which have a long history of previous conflict, many

victims misinterpreted the first acts of violence as simple vandalism, and it wasn't until the violence escalated, or was accompanied by some message, that the victims realized that the violence was motivated by hate. This process reduces the level of bias incidents reported to police. Furthermore, it calls into question present estimates of the prevalence of bias motivated violence.

The second problem area for victims in identifying these incidents is the willingness of the victim to admit that the attack was bias motivated. Interviews with victims and police have revealed a reluctance on the part of victims to identify these incidents as motivated by hatred or bias. Victims frequently try to attribute an alternative motive to the attacks, such as robbery or mistaken identity, even in cases when no money was taken and racial/ethnic slurs were used. Investigators from the CDU report having to convince victims that an attack was in fact racial when the offenders told the victim that the reason for the assault was because the victim was in "their" neighborhood, and not an attempted robbery. The reason for these feelings on the part of victims is not clear from the present research, but it may involve the feelings of vulnerability described above. If victims believe that either their neighbors hate them or that the simple act of leaving their home makes them

immediately vulnerable to attack, many people may choose to deny the bias character of the incident and impute an alternative motive such as robbery.

A final difficulty in identifying these incidents as bias motivated is the attitude and awareness of the responding officer. As the above discussion indicates, the victim cannot always be relied upon to make an accurate assessment of whether an incident was racial. The preliminary investigation by the responding police officer is crucial in the ultimate identification of these incidents as civil rights violations. The officer must be open to an interpretation of the incident as bias motivated and be supportive to the victims, if the majority of bias incidents are to be identified. This is a difficult problem for responding officers for many reasons including the relative rarity of these incidents. Police officers tend to generalize the incidents they encounter. For example, a fight between two men in a bar and an attack by a husband on his wife will be recorded by most police officers as assaults. This tendency, combined with the infrequency of bias incidents encountered by police (in 1985 there were 183 racial incidents investigated by the Boston Police and 5036 aggravated assaults), leads many police to overlook the bias character of an incident. This is a training issue police must be exposed to civil rights

incidents, given information on bias motivated violence, and encouraged to look for racial or ethnic interpretations for certain inter-racial incidents.

The identification of these incidents as something other than bias attacks by police officers effects the entire community's perception of the prevalence of bias motivated violence. Since aggregate crime statistics do not generally include the motivation for the crime, and since, as indicated above, police officers tend to report racial incidents in terms of the more traditional crime that occurred, most police departments, when they look at their workload figures, will see very little racial violence. Boston, for example, uses the description of the incident by the responding officer as the official identification of the event. Because of the recording practices outlined above, very few of incidents in our study would show up as racial incidents in official formal Boston Police Department reports. In fact, only 19 of the 452 racial incidents in our sample were originally recorded as racial incidents or violations of the federal or state Civil Rights Statute.

VICTIM PARTICIPATION

Once a civil rights violation has been identified by the victim and reported to the police, the police must use the information provided by the victim to investigate the crime. At

this stage of the process in Boston, many cases drop out because the victim, although willing to report the crime, is not willing or able to offer any additional assistance to the police.

For a variety of reasons, Civil Rights Violations particularly need continued victim participation if they are to result in an arrest and conviction. First, A large number of these incidents are committed by strangers. Since 85 % of our cases involve an offender unknown to the victim (and approximately 33% involve an offender unseen by the victim), the victim can seldom provide police with a suspects' identity at the crime scene. This is different from many other crimes of violence where the victim and offender may know each other, at least as acquaintances, and the victim can give police a name or address. Prior research on police arrest practices have indicated a most important predictor of the arrest is the offenders identification by the victim. (Goldstein 1977, Reiss 1971, Brown 1981)

A second reason for the difficulty in prosecuting these cases is the lack of witnesses. In 55% of our cases, there were no witnesses to the incident, leaving the victim as the only source of information. In those cases where there were one or more witnesses, most often these witnesses were unable or unwilling to assist police in the identification of suspects.

Finally, as with other criminal incidents, police are rarely able to make an arrest at the scene of the incident. Often the offenders have fled the scene by the time the responding police officer arrives. As with other types of crimes, the victim generally calls a friend or family member before they call the police, and this allows the offenders time to escape. This may be more true in racial incidents than some other criminal incident because victims, as indicated above, are trying to determine if the attack was racially motivated and if they will put themselves in further danger by reporting the incident to the police.

Table VI about here

Cases reported to the police by someone other than the victims themselves are more likely to result in an arrest at the scene. Table VI (a) indicates that in cases where victims reported the incident themselves, only 8% of the cases resulted in an arrest at the scene, while in those cases reported by someone other than the victim, 21% of those resulted in an arrest at the scene. The reason for this discrepancy becomes apparent in Table VI (b). This Table indicates selected "reasons " for the incident, by whether the victim or someone else reported it to the police. The only major difference in the type of cases

reported by the victim, compared to those reported by someone else, is in the category of fights or altercations. This may explain, in part, the difference in the arrest at scene figures. If a racially motivated assault occurs in a public area, and a resident calls the police to report the fight while it is in progress, the police have a much greater chance of making an arrest, than if they are notified by the victim after the incident has ended. This information might be used to encourage community members to call police immediately concerning potentially criminal incidents.

 Figure 1 about here

As Figure 1 indicates, many victims don't participate in the subsequent police investigation. Of the cases in our study where the disposition is known, 34.4% of the victims declined to assist police with the investigation of the bias incident. Our data do not adequately reveal the reasons for this lack of cooperation since most victims refuse to discuss their motives with the police. However, victim and police interviews indicate that victims often want to put the incident behind them. As discussed above, most victims have trouble admitting that the incident was bias motivated and many want to

quickly put the incident out of their mind. The victims' feeling of vulnerability may lead to a desire to forget about the incident and not think about the potential for recurrence.

Another reason for victim non-cooperation is obviously fear of retaliation from the offender or the offender's friends. Particularly, those incidents that involve a victim and an offender who know each other (e.g., a non-white victim moving into a white neighborhood), the victim feels vulnerable to retaliation from neighbors for turning in someone from the neighborhood. This fear of retribution was only occasionally discussed by victims, either with police or with our staff, for fear that it might get back to the offender. One example of this situation was a case of an assault on two 21-year old men, one White, one Black, in a bar in a White section of Boston. The two were asked to leave the bar because "Blacks were not welcome". When they refused to leave, a fight broke out and the two men sustained injuries requiring hospital attention. The white victim lived in the neighborhood and was visited by a number of his neighbors and told not to help the police. This victim and his father were threatened with ostracism and violence if they assisted the police in their investigation. In this case, the victim, against the wishes of his father, decided to work with the police and assist in the investigation. This cooperation eventually led to the arrest of two suspects.

Table VII about here

Table VII indicates the level of victim cooperation for each major racial/ethnic group. The level of cooperation varies a great deal across these groupings, with Asians and Blacks the most cooperative, followed by Whites and Hispanics respectively. Interestingly, almost half of the incidents of bias violence involving Hispanic victims end with the victim deciding not to go forward with the prosecution. The reasons for this variation in rates of cooperation are not known; however, subsequent interviews and analysis indicate that Hispanic non-cooperation may be due to a combination of a history of distrust between the Hispanic community in Boston and the local police and that proportionally Hispanics tend to be involved in more non-stranger incidents. These incidents, as indicated above, are more likely to involve the threat or potential threat of retribution, and as such have lower rates of victim cooperation.

SUSPECT APPREHENSION

For those cases where the victim of bias violence does wish to pursue a criminal justice remedy, many cases may still remain unresolved because no suspect can be located. Our data indicate that cases of bias motivated violence are among the most

difficult cases for police to "clear by arrest". There are a number of reasons for this difficulty, but primarily this problem--stems from the fact that most cases of racial violence are committed by strangers. As noted earlier 85% of the cases in our study involve offenders who are unknown to the victim.

In cases of stranger violence generally, police make very few arrests (Smith 1986). In our data, 35% of the cases where the victim wished to pursue the case resulted in no arrest of an offender (Figure 1). Overall, in our data of the 452 cases investigated by the BPD's Community Disorders Unit, 57 (15.4%) resulted in at least one arrest being made.

Since most of these cases do involve strangers, if the police are to make an arrest, they must put above average effort into the investigation. Some investigative techniques which have proved useful in Boston include: follow-up interviews with the victims, interviews with and neighbors; ride-alongs where police drive the victim through the area of the attack in an effort to identify the offender or the offender's car; review of "mug-books"; surveillance of the victim's home interviews with the alleged offenders and accomplices; and interviews with local community groups. Most police agencies only allocate these kind of investigative resources to the most serious cases such as homicide, rape. If departments are to make arrests in bias incidents, they will have to give these incidents the same priority as they give the most serious crimes.

An additional benefit may accrue to police agencies from aggressively investigating cases of bias motivated violence. If police canvass a neighborhood in an effort to identify the offenders in a bias attack, the message may get out to the community that bias attacks are going to be treated seriously by the criminal justice system. In many cases, this would be the first time that a police officer ever came to an individual's home, and if they say that they are investigating a bias incident in the area, this may send a message that these incidents will not be tolerated by criminal justice agencies. Interviews conducted with victims and local community leaders have given preliminary indications that this process may already be occurring in certain neighborhoods.

Our interviews have indicated that an important source of information on the identity of suspects are local community leaders. When police actively solicit the assistance of local community leaders, the likelihood of identification and arrest of offenders increases. These community leaders can uncover information beyond the reach of a police investigation. For example, community leaders who are trusted and respected by members of their community may be told more details about an incident than the victim felt that s/he could tell police investigators. In some cases in Boston, this additional information has provided substantial assistance to police in

their efforts to identify the offender(s). In addition, community leaders may be able to identify witnesses to racial incidents more effectively than police. A witness may be reluctant to tell police some information about the incident for fear of reprisals or fear of being forced to testify in court. However, such a reluctant witness may discuss the incident with a trusted community leader who can then turn the information over to the police, while maintaining the anonymity of the witness. In Boston, the inclusion of community leaders is particularly important in the Southeast Asian community, where language barriers and a lack of understanding about the role of police in American society seems to inhibit many Southeast Asians from coming forward in cases of civil rights violations.

In addition, random acts of bias violence may be one of the crimes that is most deterable by criminal justice system. Unlike crimes such as larceny, particularly where drugs provide the motivation for the crime, bias violence may provide little return to the offender (except as an outlet for this hatred) and as such may be more deterable. If those involved in perpetrating bias motivated violence believe that police and courts are taking these crimes seriously, and that there exists an increased certainty of punishment, it may not be worth the effort for these individuals to engage in these acts.

CASE HANDLING AND RESOLUTION BY THE COURTS

USE OF CIVIL INJUNCTIONS

The Massachusetts Civil Rights Act provides both temporary and permanent injunctive relief for victims of civil rights violations. Victims or police may obtain a civil injunction which restrains the actions of potential offenders. If the injunction is violated, the State Statute provides a penalty of a fine up to \$5,000 and imprisonment of up to two and one-half years. In addition, if bodily injury results from the violation of the restraining order, the possible fine amount increases to \$10,000 and the possible term of imprisonment increases to ten years. (Sager 1983)

It is believed by many police officials that the most effective element of the Massachusetts Civil Rights Statute is this provision for civil injunctions. These officials believe that the most effective way to deal with civil rights violations is to quickly serve all alleged offenders with a court order which restrains a wide range of actions towards the victim or the victim's property. For example, if a victim's house is vandalized and the subsequent police investigation turns up the names of a number of likely offenders but no firm evidence against any one individual, the police can obtain a restraining order against all the individuals whose names were revealed in

the investigation. These injunctions are then served on the individuals named, with a discussion of the penalties for violation, and the victim is informed.

This process may serve a variety of interests. First, the victim is aware that the criminal justice system is taking some actions to protect them. This is extremely important in cases of civil rights violations because of the feelings of vulnerability on the part of the victim after such an incident. In addition, the victim may feel more empowered and protected thus enabling them to continue on in the criminal justice system through initial hearings and eventual trial if s/he believes that the system is already attempting to protect him or her. This is particularly true in cases where a victim is being harassed by neighbors. The injunction can serve to alert all parties that the police are aware of the previous violence and that they are prepared to act to prevent future violence.

It is the view of Massachusetts police officials, victims advocates groups and the state attorney generals office that an injunction is an effective preventative measure in efforts to deter future violence. The injunction can restrain alleged offenders from actions which precede future violence, and in that way, it would as a preventative measure. For example, in one case, a victim's house was damaged, his windows broken, and his children harassed on the way to school by neighbors who didn't

want the family living in "their" neighborhood. A restraining order was obtained and served on five individuals identified by the victim as being involved. The injunction prohibited the youths from trespassing on the property of the victim or speaking to the victim's children. The behaviors prohibited by the injunction were identified as those actions which could lead up to future violations of the family's civil rights. The victim was encouraged by the police to call them if one of the named youths violated the conditions of the order. In this case the harassment and violence stopped shortly after the injunction was obtained and served.

Police view injunctions as providing an additional benefit -- the opportunity to arrest offenders on an unambiguous violation. Police and other criminal justice officials interviewed seem to believe that civil rights violations are unusually difficult cases to proceed with in the formal criminal trial. Police seem unsure when to arrest, and prosecutors and court officials seem unsure when to charge a civil rights violation. Police see the injunction as a way around this confusion. They can arrest for a violation of the conditions of the injunction and not deal with the issues around an arrest for a violation of an individual's civil rights. For example, in the above case, the police can arrest for trespassing on the victim's

property in violation of a court order which is a straight forward arrest that can be punished by a \$5,000 fine and/or imprisonment of up to two and one-half years.

PROCESSING OF CIVIL RIGHTS CASES IN BOSTON COURTS

At the time of this study, only 40 cases in our sample had been disposed in a Boston Court. Forty cases are not sufficient to adequately characterize, how bias crime cases are handled by Massachusetts Courts, we will therefore summarize the data but draw no conclusions based on this small sample.

A civil rights violation was charged in only 6 of the racial incidents in our sample. In three of these six cases, the civil rights charge was accompanied by an assault and battery or assault and battery with a dangerous weapon charge. The most frequent charge levied in these racial incidents was, in fact, assault and battery. In 19, or almost one-half of the cases that went to court, the official charge was assault and battery. The second most frequent charge in those cases which went to court was assault and battery with a dangerous weapon, which was the charge in 11 cases.

As elsewhere in the criminal justice system, most cases involving civil rights violations which went to court resulted in a conviction. Just over three-quarters (81%) of these cases that went to court were convicted either by a guilty plea or a bench trial.

The most frequent sentence for individuals convicted in our sample was probation. In 9 cases, almost one-third of all sentences, probation was the primary punishment. After probation, the most frequent sentence for these violations were incarceration (5 cases), restitution (5 cases), continued without a finding (5 cases), fines (4 cases), and a suspended incarceration sentence (3 cases). It is interesting to note that actual jail or prison time was the punishment in only 5 cases out of the 452 racial incidents reported to the police and reviewed in this study.

Our analysis indicates that civil rights violations in Boston can be grouped into two major categories -- offenses against the person (primarily assaults) and offenses against property (primarily vandalism). Our analysis indicates that the proportion of these two types of incidents, as reported to the police, were relatively equal (53% assaultive - 47% property), but posed different problems for the victims and the police.

The assaultive incidents were most commonly perpetrated by strangers of which a majority resulted in physical injury to the victim and seldom had a history leading up to the incident. Property crimes, on the other hand, were also most commonly committed by strangers but these incidents generally had a long history of prior violence, most often unreported to police.

We found that these incidents are a source of a great deal of difficulty to those police agencies empowered to investigate them. Police encounter much victim reluctance in proceeding with these cases, and since most (85%) incidents are committed by strangers, police have difficulty making arrests.

Finally, we found that most civil rights incidents do not get to court. Those which do get to court are generally charged with non-civil rights charges and relatively few offenders are incarcerated.

This report offers some preliminary evidence of the severity of civil rights incidents in our cities. More evidence must be accumulated in other jurisdictions to verify these results and learn more about the violence being perpetrated on minority citizens. The more we learn about the causes, character, and impact of these incidents, the more effective our public policy decisions can be to protect minority citizens.

ENDNOTES

¹Criminal Victimization in the United States, 1985,
Table 3, p.14.

²Criminal Victimization in the United States, 1985,
Table 58, p.55.

³Criminal Victimization in the United States, 1985,
Table 29, p. 34.

⁴Criminal Victimization in the United States, 1985,
Table 65, p.59.

⁵Criminal Victimization in the United States, 1985,
Table 71, p.62.

⁶Crime in the U.S., 1985, p.80.

⁷Police Executive Research Forum, 1983.

Goldstein, H., Policing in a Free Society, 1977.

TABLES I - XI

FIGURES 1 AND 2

Table I

Race, Religion, and Ethnicity of Victims of Racial
Violence in Boston -- 1983-1987

<u>Race</u>	<u>Frequency</u>	<u>Percent</u>
Black	143	31.6
White	157	34.7
Portuguese	1	.2
Hispanic	29	6.4
Cambodian	8	1.8
Chinese	7	1.5
Laotian	2	.4
Philipino	2	.4
Vietnamese	53	11.7
Asian	10	2.2
Oriental	21	4.6
Indian	1	.2
Jewish	3	.7
TOTAL	452	100.0

Table II

Race and Ethnicity of Victim/Offender Combinations in
Incidents of Racial Violence in Boston -- 1983-1987

<u>Race of Victim</u>	<u>Race of Offender</u>				TOTAL
	Black	White	Hispanic	Asian	
Black	6 5.1	108 91.5	2 1.7	2 1.7	118
White	95 77.9	19 15.6	2 1.6	6 4.9	122
Portuguese	0 0.0	1 100.0	0 0.0	0 0.0	1
Hispanic	4 18.2	18 81.8	0 0.0	0 0.0	22
Cambodian	0 0.0	5 83.3	1 16.7	0 0.0	6
Chinese	0 0.0	2 100.0	0 0.0	0 0.0	2
Laotian	0 0.0	2 100.0	0 0.0	0 0.0	2
Philipino	0 0.0	1 100.0	0 0.0	0 0.0	1
Vietnamese	4 11.4	31 88.6	0 0.0	0 0.0	35
Asian	0 0.0	4 80.0	1 20.0	0 0.0	5
Oriental	2 14.3	11 78.6	1 7.1	0 0.0	14
Jewish	0 0.0	2 100.0	0 0.0	0 0.0	2
TOTAL	111 33.6	204 61.8	7 2.1	8 2.4	330 100.0

Table III
Description of Civil Rights Incidents as Recorded
by Responding Officers

<u>Offense</u>	<u>Frequency</u>	<u>Percent</u>
A&B	77	17.7
A&B DW	136	31.3
Vandalism to Property	98	22.6
Stoning	13	3.0
Threats	32	7.4
Harassment	14	3.2
B&E	2	.5
Civil Rights Violations	10	2.3
Arson	9	2.1
Community Disorder	4	.9
Robbery	2	.5
Larceny Under	1	.2
Racial Incident	9	2.1
Armed Robbery	12	2.8
Investigating Premises	3	.7
Shooting	1	.2
Carrying Dangerous Weapon	1	.2
Affray or Fight	1	.2
Larceny	4	.9
Missing Information	5	1.1
Total	434	100.0

Table IV (a)

Sex of Victims of Racial Violence in Boston
Between 1983-1987

<u>Sex</u>	<u>Frequency</u>	<u>Percent</u>
Male	321	71.0
Female	131	29.0
Total	452	100.0

Table IV (b)

Age of Victims of Racial Violence in Boston
Between 1983-1987

<u>Age</u>	<u>Frequency</u>	<u>Percent</u>
Under 18	79	20.0
18-29	176	44.0
30 and Over	142	36.0
Total	397	100.0

Table V
Reason for Incident as Recorded in Investigation
by Community Disorders Unit

<u>Reason for Incident</u>	<u>Frequency</u>	<u>Percent</u>
Passing through the Neighborhood	100	29.7
Prejudice	57	16.9
Moving into a Neighborhood	45	13.3
Driving through a Neighborhood	24	7.1
History of Discord	23	6.8
Automobile Incidents	12	3.6
Want Victim to Move	11	3.3
Fight or Altercation	11	3.3
Working in a Neighborhood	10	3.0
Trespassing	6	1.8
Non Compliance with Perpatrator	6	1.8
Suspects Drunk	5	1.5
Offender Not Competant	2	.6
Dating a Minority	4	1.2
Money	4	1.2
Politically Motivated	2	.6
Other	15	4.4
Total	337	100.0
Missing Cases	115	

Figure 1

Flow of Cases of Racial Violence Through the
Massachusetts Criminal Justice System

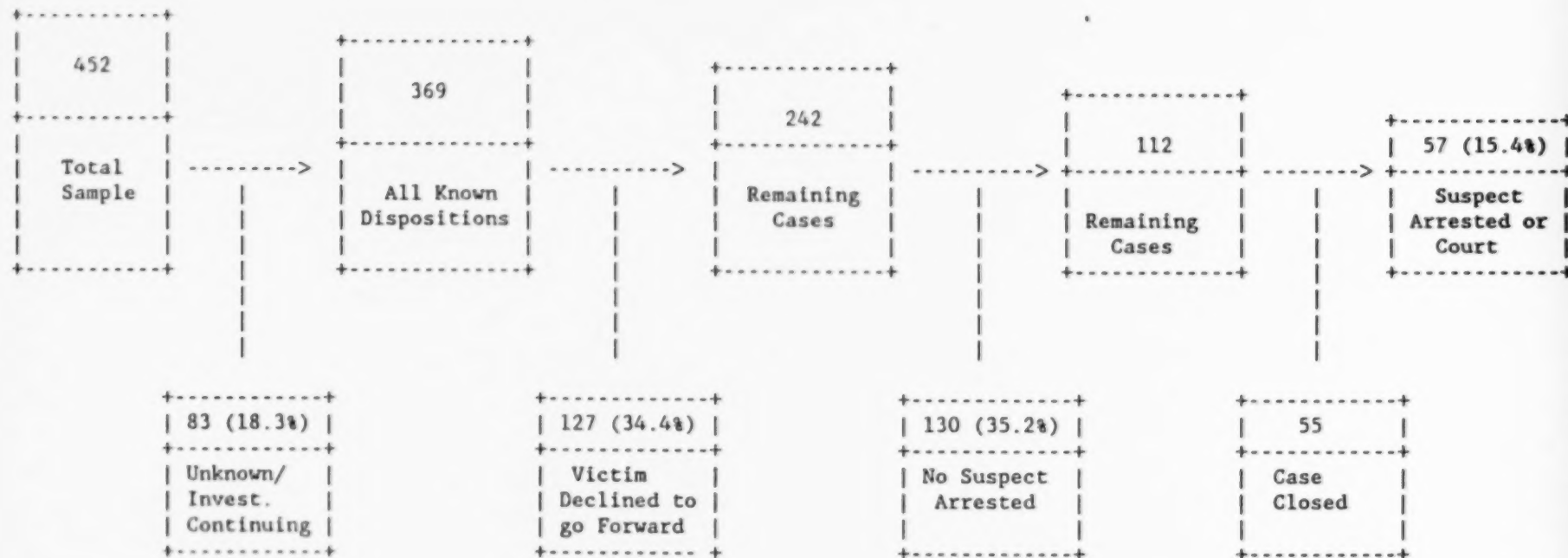


Table VI (a)

Cases Resulting in an Arrest at Scene by Whether
the Racial Incident Was Reported by the
Victim or Someone Else

<u>Reporter</u>	<u>Arrest At Scene</u>		TOTAL
	<u>Yes</u>	<u>No</u>	
Victim	8%	92%	100% (369)
Other Reporter	21%	79%	100% (81)
Total	(47)	(403)	

Table VI (b)

Reason Given for Incident by Whether Reported by
the Victim or Someone Else

<u>Reason</u>	<u>Reporter</u>	
	<u>Victim</u>	<u>Other Reporter</u>
Passing Through Neighborhood	22.2%	22.2%
Moving Into Neighborhood	10.6%	7.4%
General Prejudice	12.5%	12.3%
Fight or Altercation	1.7%	9.9%
Other	53.0%	48.2%
	100.0% (369)	100.0% (81)

Table VII
Disposition of Cases of Racial Violence
In Boston by Race of Victim

<u>Case Disposition</u>	<u>Race of Victim</u>			
	<u>White</u>	<u>Black</u>	<u>Hispanic</u>	<u>Asian</u>
Victim Declined to Go Forward	35.1	23.1	43.3	24.7
No Suspect Arrested	28.7	25.9	16.7	34.7
Suspect Arrested	9.6	13.3	13.3	14.9
Case Closed	7.6	18.2	10.0	11.9
Unknown/Investigation Continuing	19.0	19.5	16.7	13.8
Total	100.0 (157)	100.0 (143)	100.0 (30)	100.0 (101)

Table VIII

Court Injunctions Granted By the
Attorney General's Office 1982-1987

	<u>IN BOSTON</u>		<u>NOT IN BOSTON</u>	
	# of Injunctions	# of Defendants	# of Injunctions	# of Defendants
1982	2	11	--	--
1983	1	3	2	4
1984	1	1	8	29
1985	8	38	1	7
1986	6	10	2	4
1987	8	18	--	--
TOTAL	26	81	13	44

SOURCE: Boston Community Disorders Unit

Table IX

Court Offense Charged in Racial Incidents
In Boston

<u>Offense</u>	<u>Frequency</u>	<u>Percent</u>
Civil Rights Violation	3	.7
Civil Rights Violation and Other Offense	3	.7
Assault and Battery	11	2.9
Assault and Battery with a Dangerous Weapon	16	7.5
Vandalism	4	1.1
Other	1	1.8
Total	38	100.0

Table X

Disposition of Cases Involving
Racial Incidents in Boston

<u>Disposition</u>	<u>Frequency</u>	<u>Percent</u>
Plead Guilty or Admits	8	18.4
Bench Trial, Found Guilty	23	57.9
Jury Trial, Found Guilty	2	5.3
Bench Trial, Found Not Guilty	6	15.8
Victim Did Not Show in Court	1	2.6
Total	40	100.0

Table XI

Sentence for Conviction of Cases Involving
Racial Incidents in Boston

<u>Sentence</u>	<u>Frequency</u>	<u>Percent</u>
Incarceration	5	13.5
Fines	4	10.8
Restitution	5	13.5
Suspended Sentence	3	8.1
Probation	9	24.3
Continued Without a Finding	7	18.9
Dismissed	5	10.8
Total	38	100.0

FIGURE 2

Court Actions for Disposed Cases of Racial
Violence in Boston, 1983-1987

Suspects Arrested		Charges		Disposition		Sentence	
		Civil Rights	3	Plead Guilty/Admits	7	Incarceration	5
		Civ. Rights & Other	3	Bench Trial/Guilty	22	Fine	4
		A&B	11	Jury Trial/Not Guilty	2	Restitution	5
		A&B DW	16	Bench Trial/Not Guilty	6	Suspended	3
		Vandalism	4	Victim Did Not Show	1	Probation	9
		Other	1			Cont. w/o Finding	7
						Dismissed	5
TOTAL: 60		TOTAL: 38		TOTAL: 38		TOTAL: 38	

APPENDIX A

BOSTON POLICE DEPARTMENT INCIDENT REPORT

SPD Form 1.1 Revised 85